

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FITNESS INTERNATIONAL, LLC, a
California limited liability company,

Plaintiff,

v.

NATIONAL RETAIL PROPERTIES, LP, a
Delaware limited liability company,

Defendant.

Case No. 3:20-cv-06189-BHS

**STIPULATION AND ORDER
REMANDING STATE LAW CLAIMS**

[CLERK'S ACTION REQUIRED]

(Pierce County Superior Court
Cause No. 20-2-08426-9)

I. STIPULATED REQUEST FOR REMAND

IT IS HEREBY STIPULATED between plaintiff and defendants, by and through their undersigned counsel of record, as follows:

1. Defendant National Retail Properties, LP is a Delaware limited liability company.
2. The membership interests of Plaintiff Fitness International, LLC are held by, among others, a Delaware limited liability company and a Delaware limited partnership.
3. Accordingly, the parties stipulate and agree that this Court lacks subject matter jurisdiction under 28 U.S.C. §§ 1332 and 1441. *See also Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

STIPULATION AND ORDER REMANDING STATE LAW
CLAIMS (3:20-cv-06189-BHS) - 1

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4. Now, therefore, the parties jointly and respectfully request that this action be remanded to the Superior Court of Pierce County, Washington, for trial in state court.

DATED this 11th day of December, 2020.

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II. ORDER

The Court has considered the foregoing stipulation of the parties. Having considered the foregoing, the Court FINDS that it lacks subject matter jurisdiction under 28 U.S.C. §§ 1332 and 1441 because this case does not present a controversy between citizens of different states. Having

1 found the foregoing, the Court hereby ORDERS that this action be remanded to the Superior Court
2 of Pierce County, Washington for further proceedings.

3 DATED this 14th day of December 2020.

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8 BENJAMIN H. SETTLE
9 United States District Judge
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